

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KENNY HOGAN,

Plaintiff,

v.

CIV 12-804 MV/KBM

FNU TURNER,

Defendant.

**ORDER DENYING APPOINTMENT OF COUNSEL**

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel (*Doc. 10*). Plaintiff has no constitutional right to counsel in this matter, nor is counsel automatically appointed upon request. *See, e.g., Parker v. Bruce*, 109 F. App'x 317, 321 (10<sup>th</sup> Cir. 2004). In considering whether to appoint counsel for indigent plaintiffs under 28 U.S.C. § 1915(d), the factors this Court should consider include "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." *Rucks v. Boergermann*, 57 F.3d 978, 979 (10<sup>th</sup> Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10<sup>th</sup> Cir. 1991)).

Here, Plaintiff filed a *pro se* complaint alleging denial of necessary medical treatment for a serious medical condition while incarcerated. The Court dismissed certain defendants and ordered service on the sole remaining defendant nurse. *See*

*Doc. 12* at 2. Thus, the issues are confined and straightforward. This matter has not yet passed the service stage and, as such, Plaintiff's request is premature and appointment of counsel unwarranted at this time. See, e.g., *Hoffman v. Martinez*, 92 F. App'x 628, 633-34 (10<sup>th</sup> Cir. 2004).

Wherefore,

**IT IS HEREBY ORDERED that** Plaintiff's motion (*Doc. 10*) is denied, without prejudice to his right to renew the request at a later date.

A handwritten signature in black ink, reading "Karen B. Mohr". The signature is written in a cursive, flowing style. The first name "Karen" is written in a larger, more prominent script, followed by "B." and "Mohr".

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UNITED STATES CHIEF MAGISTRATE JUDGE